

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Lane, David Philip                      Docket No.: 39749-0001APC  
Serial No.: 09/403,440                      Group Art Unit: 1642  
Filing Date: January 19, 2000                      Examiner: Davis, Minh Tam  
For: **MATERIALS AND METHODS RELATING TO INHIBITING  
THE INTERACTION OF p53 AND mdm2**  
Express Mail Label No.: EV 582 627 022 US  
Mailing Date: April 26, 2005

**MS: 16—REFUNDS BRANCH**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR REFUND OF NOTICE OF APPEAL FEE**

Sir:

Applicants respectfully request a refund of the Notice of Appeal fee mailed on July 14, 2004 in the above-referenced application.

A Final Rejection was mailed in this application on January 15, 2004. A response was filed on July 13, 2004 along with a request for a 3-month extension of time.

A Notice of Appeal was mailed on July 14, 2004 and authorization given to charge Deposit Account 08-1641 in the amount of \$330.00 for the Notice of Appeal fee.

The finality of the previous Office Action was withdrawn in an Office Action dated February 22, 2005 after the filing of a response on July 13, 2004. Prosecution of this application has been reopened to include species not previously examined. In the February 22, 2005 office action, the Examiner acknowledged that, in view of the

Application No.:  
Atty. Docket No.:

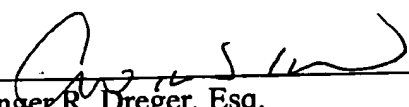
09/403,440  
39749-0001APC

withdrawal of the finality of the rejections, Applicants are entitled to request the refund of the fee associated with the Notice of Appeal

Applicants request that the fee of \$330 for the Notice of Appeal be refunded and credited back to Deposit Account 08-1641.

Respectfully submitted,

Date: April 26, 2005

  
Ginger R. Dreger, Esq.  
Reg. No. 33,055

**HELLER EHRMAN WHITE & MCAULIFFE LLP**

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Please type a plus sign (+) inside this box +

PTO/SB/21 (6-99)

Approved for use through 09/30/2000. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

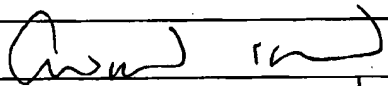
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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>		<b>Application Number</b>	<b>09/403,440</b>
		<b>Filing Date</b>	<b>January 19, 2000</b>
		<b>First Named Inventor</b>	<b>Lane, David Philip</b>
		<b>Group/Art Unit</b>	<b>1642</b>
		<b>Examiner Name</b>	<b>Davis, Minh Tam</b>
<b>Total Number of Pages in This Submission</b>		<b>Attorney Docket Number</b>	<b>39749-0001APC</b>

**ENCLOSURES (check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Version with Markings Showing Changes <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input checked="" type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">stamped return postcard</div>
<div style="border: 1px solid black; padding: 5px;"> <b>Remarks</b>  <b>AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 FOR ANY FEES DUE IN CONNECTION WITH THIS PAPER.</b> </div>		

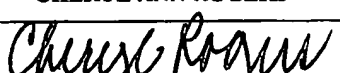
**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

Firm or Individual name	GINGER R. DREGER, ESQ., REG. NO. 33,055, HELLER EHRMAN WHITE & McAULIFFE LLP		
Signature			
Date	APRIL 26, 2005	Customer Number:	25213

**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: **Mail Stop 16-REFUND BRANCH**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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Typed or printed name	CHERYL ANN ROGERS		
Signature		Date	APRIL 26, 2005

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Date Mailed: July 14, 2004

NOTICE OF APPEAL

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Commissioner for Patent  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated January 15, 2004 of the Primary Examiner finally rejecting Claims 1-4 and 11. The item(s) marked below are appropriate:

☒ Filing Fee:

☒ \$330.00 (large entity)

☒ Time Extension Fee (if applicable):

- ☐ one month (\$110/55 large/small entity)  
☐ two months (\$420/210 large/small entity)  
☐ three months (\$950/475 large/small entity)

☒ The Commissioner is authorized to charge filing fee, additional fees or credit overpayment to Deposit Account No. 08-1641 (39749-0001APC).

07/20/2004 KBETENR1 00000003 081641 09403440

01 FC:1401 330.00 DA

Date: July 14, 2004

By:   
Ginger R. Dreger, Reg. No. 33,055

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7/14/04 2:54 PM (39749.0001)

Adjustment date: 06/10/2005 SDIRETAT 09403440  
07/20/2004 KBETENR1 00000003 081641  
01 FC:1401 330.00 CR